

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CHARLES FORTE,)	
)	
<i>Petitioner,</i>)	
v.)	Nos. 1:03-cv-399 / 1:00-cr-164
)	<i>Edgar / Lee</i>
UNITED STATES OF AMERICA,)	
)	
<i>Respondent.</i>)	

JUDGMENT

In accordance with the accompanying memorandum opinion and order, the motion by Charles Forte for post-conviction relief under 28 U.S.C. § 2255 is **DENIED and DISMISSED WITH PREJUDICE.**

Pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24 of the Federal Rules of Appellate Procedure, this Court **CERTIFIES** that any appeal from this judgment would be entirely frivolous and not taken in good faith. Accordingly, any application by Charles Forte for leave to proceed on appeal *in forma pauperis* is **DENIED**. If Charles Forte should timely file a notice of appeal, the Court will treat such notice of appeal as an application for a certificate of appealability which is **DENIED** pursuant to 28 U.S.C. § 2253(c) and Rule 22(b) of the Federal Rules of Appellate Procedure. The Court finds that Charles Forte has not made a substantial showing of the denial of a right secured to him under the United States Constitution.

The Clerk of Court shall close the record in this case. This is **FINAL JUDGMENT**.

SO ORDERED.

ENTER this *1st day of February, 2006*.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE